

REMARKS

The claims are 15-31. Claims 1-14 are canceled. New claims 21-30 are supported by canceled claims 4-6 and 8-14. Claim 31 excludes hydroxypropyl guar.

The rejection of claims 1-14 is moot since these claims are canceled.

Claims 15-20 are rejected under 35 U.S.C. § 103 as obvious over Zocchi (United States Patent No. 5,681,801) in view of Baravetto *et al.* (United States Patent No. 5,980,877) or Inman (United States Patent No. 5,948,739). The rejection is traversed. Zocchi does not teach a composition containing hydroxypropyl guar gum. Baravetto provides several long lists of compounds of many different types that are disclosed as being suitable suspending agents. The suspending agents are disclosed as providing suspension for conditioning agents, such as silicone conditioning agents, in dispersed form in the shampoo compositions of Baravetto. In contrast, the present claims do not recite such dispersed silicone conditioning agents. Therefore, Baravetto fails to teach or suggest the equivalence of hydroxypropyl guar gum to xanthan gum as a thickening agent useful in the claimed invention. Thus, the disclosure of Baravetto fails to rectify the deficiencies of Zocchi.

To establish a case of *prima facie* obviousness there must be shown a motivation to combine the teachings of the cited references. To that end, some suggestion of the desirability to combine the references must be found and demonstrated in the references. As noted above, Baravetto lists many different types of compounds that are disclosed as potential suspending agents for the conditioning agents of the compositions of Baravetto. Disclosed as preferred suspending agents are long chain acyl derivative materials, long chain amine oxides, or mixtures of such materials. See Baravetto at col. 18, lines 46-53. Many other types of potentially suitable suspending agents are listed as well.

A mention of hydroxypropyl guar gum appears in a list of "other" materials that may be used as suspension agents in the compositions of Baravetto. No motivation is provided to one of skill in the art by the Zocchi or Baravetto references, alone or in combination, to specifically select from this or any of the lists of potential components the hydroxypropyl guar gum and combine the same with the disclosure of Zocchi to achieve the claimed invention.

Similarly to Baravetto, the Inman reference appears to disclose a shampoo composition containing a silicone conditioning agent. Like Baravetto, Inman provides several lists of compounds that may be used as suspending agents to suspend a silicone conditioning agent in the compositions of Inman. As noted, the present claims are not directed to such a composition. Therefore, Inman fails to teach or suggest the equivalence of hydroxypropyl guar gum to xanthan gum as a thickening agent useful in the claimed invention. Thus, the disclosure of Inman fails to rectify the deficiencies of Zocchi.

Like Baravetto, Inman lists many different types of compounds that are disclosed as potential suspending agents for the conditioning agents of the invention of Inman. Disclosed as preferred suspending agents are long chain acyl derivative materials, long chain amine oxides, or mixtures of such materials. See Inman at col. 13, lines 36-38. Many other types of potentially suitable suspending agents are listed as well.

A mention of hydroxypropyl guar gum appears in a list of "other" materials that may be used as suspension agents in the invention of Inman. No motivation is provided to one of skill in the art by the Zocchi or Inman references, alone or in combination, to specifically select from this or any of the lists of potential components the hydroxypropyl guar gum and combine same with the disclosure of Zocchi to achieve the claimed invention.

Reconsideration and withdrawal of the rejection is requested.

Claim 31 has been added to exclude hydroxypropyl guar, which is the only alkoxylated guar recited in the secondary references. Thus, claim 31 is further remote from the art than claims 15-30. There is nothing in the secondary references to suggest that the non-hydroxypropyl guar derivatives are the equivalent of xanthan gum, guar gum, or hydroxypropyl guar gum.

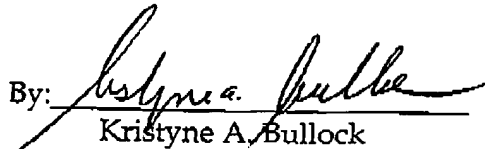
Claims 15, 16, and 18-20 are rejected for obviousness-type double patenting over Zocchi (United States Patent No. 5,681,801) in view of Baravetto (United States Patent No. 5,980,877) or Inman (United States Patent No. 5,948,739). It is requested that this rejection be held in abeyance until otherwise patentable subject matter has been identified.

It is requested that the amendment be entered and that the Examiner reconsider the rejections in view the amendment and remarks and that the case be passed to issue.

Respectfully submitted,

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